

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 6192 of 2004

Between:

- 1 S. Yadagiri Rao, S/o. Venkat Narsimha Rao,
R/o. 3-4-835/2, Barkatpura, Hyderabad.
- 2 Smt. M. Vimala W/o. M. Rama Rao,
R/o. 3-4-835/2, Barkatpura, Hyderabad.

..... PETITIONER(S)

AND

- 1 Hyderabad Urban Development Authority, 1-8-323, Paigah Palace, Police Lines, Secunderabad rep. by the Land Acquisition Officer, Hyderabad.
- 2 The District Judge Ranga Reddy District at L.B. Nagar, Hyderabad.

(Name of R2 deleted as per court order dated 21-07-2004 in WPNo.6192/04)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of a Writ of Mandamus (a) declaring the action of the 1st respondent in not referring the matter under section 18 and the action of the 2nd respondent in not adjudicating the matter in the event the same is referred as per the letter issued by HUDA, dated 30-10-2003 regarding the compensation in respect of building plot bearing No.12, forming part of survey No.22 situated at Sultanvala (Champapet) Village, Hyderabad East Taluq, Ranga Reddy District admeasuring 253 sq.yards acquired by the 1st respondent is arbitrary and illegal; (b) and a direction may be issued to the 1st respondent to refer the matter under section 18 of the Land Acquisition Act and to the 2nd respondent to adjudicate the same in the event it is referred.

Counsel for the Petitioner: MR.M.RAMA RAO , Advocate.

Counsel for the Respondent: MR.B.Viswanatha Reddy, S.C. for HUDA and Govt. Pleader for Land Acquisition.

The Court made the following :

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ORAL ORDER:

This writ petition is filed complaining the inaction on the part of 1st respondent in referring the matter to the civil court under Section 18 of the Land Acquisition Act, 1894, though the matter was referred to the District Judge, Ranga Reddy District under Section 30 of the Act.

The Land Acquisition Officer—1st respondent appeared in the Court pursuant to docket order dated 21-07-2004 and filed a counter on 03-08-2004 stating that 18 matters pertaining to land acquisition were referred to the Subordinate Judge, Ranga Reddy District through his letter No.LA/268/82 dated 28-09-1987 including the petitioner's case. On such reference the Subordinate Judge numbered as O.P.No.227 of 1987 and it was dismissed on 16-11-1988 with an endorsement that "***O.P. dismissed as claimants called absent.***"

In view of the same, petitioner is at liberty to approach the civil court for restoration of O.P. and for due determination of compensation. If the reference Court restores and proceeds with the OP, it may also pass necessary orders with regard to entitlement of interest from the date of dismissal till the date of restoration.

The writ petition is accordingly disposed of. No costs.

A.GOPAL REDDY,J

13-08-2004

Murthy

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 Hyderabad Urban Development Authority, 1-8-323, Paigah Palace, Police
Lines, Secunderabad rep. by the Land Acquisition Officer, Hyderabad.
2.2CD copies.